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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON - PORTLAND DIVISION**

In re

STEPHEN T. ENSIGN,  
  
Debtor.

Case No. 16-30920-pcm7

Chapter 7

Adv. Case No. 16-03043-pcm

STEPHEN T. ENSIGN AND LAURA A.  
ENSIGN ,

Plaintiffs,

v.

U.S. BANK NATIONAL ASSOCIATION, as  
Trustee,

Defendant.

**MOTION TO DISMISS COMPLAINT  
FOR LACK OF STANDING,  
DISCRETIONARY ABSTENTION AND  
FAILURE TO STATE A CLAIM**

Filed concurrently with:

Notice of Motion to Dismiss Complaint  
Memorandum of Points and Authorities  
Request for Judicial Notice  
Corporate Disclosure Statement  
Declaration of Jesse A. P. Baker

*Defendant* U.S. Bank National Association, as Trustee for GreenPoint Mortgage Funding Trust Mortgage Pass-Through Certificates, Series 2006-AR7 (“U.S. Bank”) hereby moves the Court, for an order dismissing Stephen T. Ensign and Laura A. Ensign’s (“Plaintiffs”) Complaint to determine the validity, priority, or extent of a lien or other interest in property (“Complaint”) pursuant to Federal Rules of Civil Procedure Rule 12(b)(6) made applicable to the instant

proceeding by Rule 7012 of the Federal Rules of Bankruptcy Procedure. The Complaint should be dismissed for Plaintiffs' lack of Standing to assert the claim. The court should abstain from ruling on the Complaint for the reasons set forth in the Memorandum of Points and Authorities. In addition, Plaintiffs have failed to state a claim against U.S. Bank upon which relief can be granted. Based upon the foregoing and the reasons explained more fully in the Memorandum of Points and Authorities filed concurrently herewith, the Court must dismiss Plaintiffs' Complaint, and U.S. Bank requests it be dismissed with prejudice. Pursuant to LBR 7007-1 U.S. Bank made a good-faith effort to resolve the dispute by contacting the opposing party and discussing U.S. Bank's issues with the Complaint, but was unable to reach agreement with the Plaintiffs. U. S. Bank consents to this court's final judgment on the Motion to Dismiss.

This Motion is based on the Notice of Motion, the Memorandum of Points and Authorities, the Declaration of Jesse A. P. baker, and the Request for Judicial Notice filed concurrently herewith, the pleadings and papers on file herein, and upon such oral and documentary evidence as may be presented by the parties at any hearing on the Motion.

**ALDRIDGE PITE, LLP**

Dated: May 11, 2016

By: /s/ Jesse A.P. Baker

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Attorneys for Movant U.S. Bank National  
Association, as Trustee for GreenPoint Mortgage  
Funding Trust Mortgage Pass-Through Certificates,  
Series 2006-AR7

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**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF OREGON**

CASE NO. 16-03403-pcm

**CERTIFICATE OF SERVICE BY MAIL**

I, Megan Pellow, am over the age of eighteen (18) years, and not a party to the within action. My business address is 4375 Jutland Drive, Suite 200; P.O. Box 17933, San Diego, CA 92177-0933.

On May 12, 2016, I served the attached **MOTION TO DISMISS COMPLAINT FOR LACK OF STANDING, DISCRETIONARY ABSTENTION AND FAILURE TO STATE A CLAIM; MEMORANDUM OF POINTS AND AUTHORITIES; REQUEST FOR JUDICIAL NOTICE; NOTICE OF MOTION; CORPORATE DISCLOSURE STATEMENT AND DECLARATION OF JESSE A.P. BAKER** by placing a true copy thereof in an envelope addressed to:

Stephen T. Ensign  
Laura A. Ensign  
POB 564  
Forest Grove, OR 97116

Honorable Peter C. McKittrick  
U.S. Bankruptcy Court  
1001 SW 5th Ave #700  
Portland, OR 97204

which envelope was then sealed and postage fully prepaid thereon, and deposited in the United States Mail at San Diego, California. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: May 12, 2016

/s/ Megan Pellow  
MEGAN PELLOW